



(266200624) On-line FOIA Request
idaemon.rtpnc.epa.gov to: Group R4Foia

09/24/2010 08:06 PM

01_NAME_:Keith Johnston
02_COMPANY_:Southern Environmental Law Center
03_ADDRESS_:2829 2nd Avenue South
04_CITY_:Birmingham
05_STATE_:AL
06_ZIP_:35233
07_EMAIL_:kjohnston@selcal.org
08_PHONE_:205-745-3060
09_FAX_:

CNTEL NO. *ARIN* *00841-10*

Response Due: *10/24/10*

APPROD	SECD
<i>MP</i>	<i>cc</i> EAD
VRAL	OTHER

Special Instructions: *FW*

10_SPECIFIC_INFORMATION_NEEDED_:Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, the Southern Environmental Law Center ("SELC") requests all documents in the possession or control of the Environmental Protection Agency ("EPA") that relate to the I-85 extension project ("I-85 extension"), Alabama Department of Transportation Project No. NCPD-PEO2 (910), extending I-85 west from Montgomery to I-59/20 near the Mississippi state line. These documents are to include, but are not limited to:

- 1) Any documents relating to the decision to use the preferred route in the FHWA approved April 30, 2010 Draft Environmental Impact Statement ("DEIS") for the I-85 extension.
 - 2) Any documents concerning or relating to the Old Cahawba Park and the Old Cahawba Prairie Tract and/or the I-85 extension's potential effects on those areas.
 - 3) Any documents concerning or relating to the I-85 extension's effects on businesses and properties along U.S. Highway 80, and/or the decision not to improve U.S. Highway 80 as an alternative to constructing the I-85 extension.
 - 4) Any environmental, economic, or other studies and/or draft studies concerning the I-85 extension, including any drafts or re-evaluations of the DEIS and any scoping documents created as part of the EIS process.
 - 5) Any permits, draft permits, or permit applications relating to the I-85 extension.
 - 6) Any written or electronic minutes from meetings concerning the I-85 extension or in which the I-85 extension was discussed.
- For the purposes of this request, the term "documents" includes all written, printed, recorded or electronic materials, communications, correspondence, memoranda, notations, copies, diagrams, charts, maps, photographs, tables, spreadsheets, formulas, directives, observations, impressions, contracts, letters, messages and mail in the possession or control of the Environmental Protection Agency.

11_FEE_:Up to \$25, 100.00

12_FEE_WAIVER:Yes

13_FeeWaiver_text:SELC is requesting photocopies without charge, or at a reduced charge, because reduction or waiver of fees would be in the public interest. A disclosure is in the public interest if (1) it is likely to contribute significantly to public understanding of the operations or activities of the government, and (2) it is not primarily in the commercial interest of the requester. The public interest standard of the fee waiver provision of the FOIA should be "liberally construed" in favor of waivers. *McClellan Ecological Seepage Situation v. Carlucci*, 835 F.2d 1282, 1284 (9th Cir. 1987); *Pederson v. Resolution Trust Corp.*, 847 F. Supp. 851, 855 (D.Colo.1994); *Etlinger v. FBI*, 596 F. Supp 867, 872 (D. Mass. 1984). The goal of the statute is to avoid the "roadblocks and technicalities which have been used by various Federal agencies to deny waivers...." *Pederson*, 847 F. Supp. at 855.

SELC is a 501(c)(3) non-profit organization with almost 25 years of experience disseminating public information regarding U.S. regulatory and operational issues. See. 5 U.S.C. § 552 (a)(4)(A)(iii). SELC maintains a website that includes both general and topic-specific information regarding the matters with which SELC is involved. For example, SELC frequently publishes reports and issues press releases regarding its projects (See e.g., "Clean Air for the Birmingham Area",

http://www.southernenvironment.org/uploads/publications/BAR_0909_Final.pdf, and "Four Environmental Groups Seek to Defend Greenhouse Gas Rule in Court" http://www.southernenvironment.org/newsroom/press_releases/tailoring_rule_motion_to_intervene/. Lawyers at SELC are routinely interviewed by the media to explain their work and its significance. (See, e.g., "Freeze on Offshore Drilling was Verbal Order," NPR, May 25, 2005, <http://www.npr.org/templates/story/story.php?storyId=127114044>.) SELC's website contains

documents generated by SELC for the specific purpose of educating the public on particular issues. (See e.g., "Alabama Water Agenda; Guiding the Way to Healthy Waters"

http://www.southernenvironment.org/uploads/publications/al_water_agenda_jan07.pdf.) SELC also assists the public in locating information relating to a particular topic by collecting and posting relevant information, documents, and links to other websites.

All of this information is available for free to any interested member of the public. SELC staff members also educate the public by speaking at conferences and other public meetings about environmental and natural resource issues in the Southeast. A fee waiver clearly will benefit the general public through increased notice and understanding of the operations of the government and of potential or proposed major policy incentives. SELC further certifies that disclosure of the information sought is not primarily in the commercial interest of the requester.

15_ExpeditedWaiver_text

WARNING NOTICE

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Referred: <http://www.epa.gov/foia/requestform.html>

TSSMS: epafoial

Mail to File: R4



04-FOI-00841-10 Fee Waiver Determination
Vivian Warden to: r4foia, Kindra Callahan

09/29/2010 09:54 AM

This is to inform you that the fee waiver request has been granted for FOIA request case 04-FOI-00841-10 from Keith Johnston, Southern Environmental Law Center. The determination letter has been scanned in to the case file in FOIAXpress.

Please call if you have any questions. Thank you.

Vivian Warden
FOIA Specialist
(202) 566-1663

FOIA and Privacy Branch
(202) 566-1667 (main FOIA phone)
(202) 566-2147 (FOIA fax)
hq.foia@epa.gov



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

September 29, 2010

OFFICE OF
ENVIRONMENTAL INFORMATION

Mr. Keith Johnston
Southern Environmental Law Center
2829 2nd Avenue South
Birmingham, AL 35233

RE: Request Number 04-FOI-00841-10

Dear Mr. Johnston:

This is in response to your request for a waiver of fees for the processing of your Freedom of Information Act (FOIA), 5 U.S.C. 552 request. You are seeking a copy of records regarding the I-85 extension project, Alabama Department of Transportation Project No. NCPD-PEO2 (910), extending I-85 west from Montgomery, Alabama to I-59/20 near the Mississippi state line.

We have reviewed your fee waiver justification and based on the information you provided, we are granting your request for a fee waiver. However, this fee waiver does not include a waiver of fees for otherwise publically available records. The US Environmental Protection Agency Region 4 office in Atlanta, GA will respond to your information request for the agency.

If you have any questions concerning this fee waiver determination, please contact me at (202) 566-1667.

Sincerely,

A handwritten signature in black ink, appearing to read "Larry F. Gottesman", is written over the word "Sincerely,".

Larry F. Gottesman
National FOIA Officer